

## CHAPTER 12.1

### HISTORIC LANDMARKS AND HISTORIC PRESERVATION OVERLAY ZONING DISTRICTS

#### 11-12.1-1 Purpose and Intent

The purpose of this Chapter is to recognize that the form and character of the City of Mesa are reflected in its cultural, historical and architectural heritage. These historical and cultural resources of the community should be preserved to help build an understanding of the past so that future generations will have the opportunity to appreciate, educate, and understand the heritage of the City. The intent of this Chapter is to preserve this unique cultural heritage, to encourage and facilitate public knowledge and appreciation of the past, to foster civic and neighborhood pride, and to encourage public participation in identifying and preserving historical and architectural resources. This Chapter is also intended to enhance property values, to protect and enhance the City's attraction of tourists and visitors, to stimulate business and industry, and to identify and resolve possible conflicts between the preservation of cultural and historic resources, and alternative land uses. Finally, this Chapter is intended to stabilize neighborhoods through preservation of historic and cultural resources and maintenance of the existing built environment, to preserve the diverse architectural styles, patterns of development and design preferences that reflect phases of the City's history, and to encourage complementary contemporary design and construction.

#### 11-12.1-2 Definitions of Terms: As used in this Chapter, the following terms are defined:

ALTERATION: Any aesthetic, architectural, mechanical or structural change to the exterior surface of any part of an existing building, structure or object.

CLEARANCE: Authorization given by the Historic Preservation Officer or authorized by the Historic Preservation Committee or by the Downtown Development Committee or Planning and Zoning Board or City Council, as applicable, that a proposal involving demolition or construction within an approved Historic Preservation Overlay District, an approved Historic Landmark Overlay District; or involving a demolition on a site within a nominated Historic Preservation Overlay District or Historic Landmark Overlay District is found to be in conformance with the requirements of this ordinance.

CONCENTRATION: A group of sites, buildings, structures or objects, in proximity, which contribute to a pattern or sense of time and place, with relatively few intrusions (structures which detract from an area's sense of time and place).

DOWNTOWN DEVELOPMENT COMMITTEE: An advisory body to the City Council established in Section 2-20-1 of the Mesa City Code.

HISTORIC PRESERVATION COMMITTEE: The Historic Preservation Committee of the City of Mesa established in Section 2-22-1 of the Mesa City Code.

HISTORIC PRESERVATION OFFICER: A permanent employee or the designated representative of the City of Mesa who shall serve as the Historic Preservation

Officer for the City of Mesa as designated by the City Manager and under the direction of the City Manager or designee.

LINKAGE: The association or correlation of two (2) or more sites, buildings, structures or objects because of location, setting, and similarity of time, place and/or other characteristics.

ORDINARY MAINTENANCE AND REPAIR: Regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purpose of preserving said property and maintaining it in safe and sanitary condition.

PLANNING AND ZONING BOARD: An advisory body to the City Council established by Section 2-1-1 of the Mesa City Code.

11-12.1-3 Permitted Uses:

The Historic Landmark Overlay District and the Historic Preservation Overlay District established in §11-2-1(I) are to be used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district, including those uses that may be specified by the City Council.

11-12.1-4 Historic Preservation (HP) Overlay District Criteria:

(A) Required Minimum Area: An Historic Preservation Overlay District must have either:

1. Seven (7) or more properties, whether or not separated by a street; or
2. At least four or more adjacent and adjoining lots or parcels with at least three hundred (300) feet of consecutive street frontage.

(B) Required Historical Elements: An Historic Preservation (HP) Overlay District may be established only if at least one of the following exists:

1. The area meets the criteria for historic districts adopted by the State of Arizona through the State Historic Preservation Office;
2. The area substantially meets the criteria for the listing of districts to the National Register of Historic Places adopted by the United States Secretary of the Interior, copies of which shall be on file in the Redevelopment Office and/or the office of the Historic Preservation Officer and made available there for public inspection; or
3. Both of the following are found:
  - (a) The area possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events of fifty (50) or more years ago, or aesthetically by plan or physical development of fifty (50) or more years ago; and

- (b) The area is worthy of preservation and protection for aesthetic interest or value, educational potential, or significance in the history of Mesa.

11-12.1-5 Historic Landmark (HL) Overlay District Criteria:

- (A) A building, structure or object within or without an Historic Preservation Overlay District in the City may be designated as an "Historic Landmark" (HL) only if it displays exceptional historic, visual or architectural significance and at least one of the following exists:
  - 1. It meets the criteria for historic sites adopted by the State of Arizona through the State Historic Preservation Office;
  - 2. It substantially meets the criteria to qualify for individual listing in the National Register of Historic Places adopted by the United States Secretary of the Interior, copies of which shall be on file with the Redevelopment Office and/or office of the Historic Preservation Officer and made available there for public inspection; or
  - 3. Any part of it is fifty (50) or more years old and it satisfies one of the following:
    - (a) Exemplifies or reflects special elements of Mesa's cultural, social, economic, political, aesthetic, engineering or architectural past; or
    - (b) Embodies distinguishing characteristics of a style, period, method of construction or development in Mesa or serves as a valuable example of the use of indigenous materials or craftsmanship; or
    - (c) Represents the notable work of a master builder, designer or architect; or
    - (d) Represents a rare building type, style, design or indigenous building form; or
    - (e) Is identifiable with a person or event significant in local, state or national history.

11-12.1-6 Procedures for establishment of Historic Landmark (HL) or Historic Preservation (HP) Overlay Districts: Reference 11-18-14.

11-12.1-7 Demolition of structures and sites nominated or proposed for Historic Landmark (HL) or Historic Preservation (HP) Overlay districts shall not proceed except in conformance with the following:

- (A) Upon receipt of a qualified application for rezoning to Historic Landmark (HL) or Historic Preservation (HP) Overlay District, a temporary restraint of demolition within the proposed district will be in effect for six (6) months from the date of the receipt of the application, unless the demolition request is given clearance to proceed.

- (B) All demolition requests within the proposed site or district are subject to review by the Historic Preservation Officer.
- (C) Clearance shall be issued by the Historic Preservation Officer if at least one of the following circumstances exist:
  - 1. The building or structure is less than 40 years old; or
  - 2. The building or structure is determined not to contain historic or architectural significance; or
  - 3. The building or structure is determined not to essentially contribute to the historic features of the area.
- (D) If the building is forty (40) years old or greater, review of the proposed demolition shall proceed according to the procedures described in Section 11-18-10(G)3 unless clearance is authorized pursuant to Section 11-12.1-8.
- (E) If an HP or HL Overlay District is not approved by the City Council within six (6) months, the Historic Preservation Officer shall then issue clearance for the proposed demolition at the request of the property owner.
- (F) If an HP or HL Overlay District is approved for the proposed demolition site, temporary restraint of the clearance for demolition shall expire. Clearance for demolition shall then be governed by Section 11-18-10(G)3.

11-12.1-8 Standards for Demolition Review on properties with approved Historic Landmark (HL) or Historic Preservation (HP) Overlay Districts:

A clearance for demolition should only be granted if either of the following exist:

- (A) The Superintendent of Building Inspections, in conjunction with the Historic Preservation Officer and the City Manager, determines that the building or structure is currently an imminent hazard to the public safety and repairs and/or renovation would be impractical; or
- (B) The Historic Preservation Committee determines that both of the following are found:
  - 1. The building or structure is of minimal historic significance because of its location, conditions, modifications or other factors; and
  - 2. Demolition of the building or structure would be inconsequential to the preservation of historic properties in the vicinity.

11-12.1-9 Ordinary Maintenance and Repair: Ordinary maintenance and repair of any exterior architectural feature of a designated Historic Landmark (HL) or a site within an Historic Preservation (HP) Overlay Zone shall be permitted, provided the maintenance does not change the material, design, or general appearance of the said landmark or site.